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EXAMINER

SCUDERI, PHILIP S

ART UNIT

PAPER NUMBER

2153

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Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

09/826,147

Applicant(s)

MUTTON ET AL.

Examiner

Philip S. Scuderi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 16,32,37 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15,17-31,33-36,38-54 and 56-76 is/are rejected.
- 7) ☒ Claim(s) 35,36,51,53,54,67,68,70 and 73-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## DETAILED ACTION

### *Election/Restrictions*

Claims 16, 32, 37, and 55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 23 June 2006.

### *Claim Objections*

Claim 35 is objected to because of a minor informality. The claim recites “the at least one information and information services”, which should presumably be “the at least one of information and information services”.

Claim 36 is objected to because of a minor informality. The claim recites “the at least one information and information services”, which should presumably be “the at least one of information and information services”.

Claim 51 is objected to because of a minor informality. The claim recites “transmitting said generated other requests over the computer network to at least one of information and information services server”, which should presumably be a “transmitting said generated other requests over the computer network to a server that serves at least one of information and information services server”.

Claim 53 is objected to because of a minor informality. The claim recites “the at least one information and information services”, which should presumably be “the at least one of information and information services”.



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Claim 54 is objected to because of a minor informality. The claim recites “the at least one information and information services”, which should presumably be “the at least one of information and information services”.

Claim 67 is objected to because of a minor informality. The claim recites a “system for distributing website specification”, which should presumably be a “system for distributing a website specification”.

Claim 68 is objected to because of a minor informality. The claim recites a “system for distributing website specification or electronic mail message specification”, which should presumably be a “system for distributing a website specification or an electronic mail message specification”.

Claim 70 is objected to because of a minor informality. The claim recites “generating at least one of another request”, which should presumably be a “generating at least one other ~~of another~~ request”.

Claim 73 is objected to because of a minor informality. The claim recites “transmitting said generated other requests over the computer network to at least one of information and information services server”, which should presumably be a “transmitting said generated other requests over the computer network to a server that serves at least one of information and information services ~~server~~”.

Claim 74 is objected to because of a minor informality. The claim recites “transmitting said generated other requests over the computer network to at least one of information and information services server”, which should presumably be a “transmitting said generated other requests over the computer network to a server that serves at least one of information and information services ~~server~~”.



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Claim 75 is objected to because of a minor informality. The claim recites a “system for distributing website specification and/or electronic mail message specification”, which should presumably be a “system for distributing a website specification and/or an electronic mail message specification”.

Claim 76 is objected to because of a minor informality. The claim recites a “system for distributing website specification and/or electronic mail message specification”, which should presumably be a “system for distributing a website specification and/or an electronic mail message specification”.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-15, 17-31, 33-36, 38-54, 56-66, and 70-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 states “the request optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.

Claim 1 claims a client workstation wherein “link encoded web pages and/or electronic mail messages are displayed”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.



Claim 8 claims that the linking server hosts the conversion process for requests for multi-media content in “a plurality of formats including without limitation Windows Media™, RealNetworks™, QuickTime™, MP3, and MPEG formats”. It is unclear which formats necessarily need to be hosted by the claimed conversion process in order to meet the claim.

Claim 15 claims a client workstation wherein “link encoded web pages and/or electronic mail messages are displayed”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 15 states “the request optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.

Claim 17 claims, “generating at least one web page and/or electronic mail message”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 17 states “said request ... optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.

Claim 24 claims that the linking server hosts the conversion process for requests for multi-media content in “a plurality of formats including without limitation Windows Media™, RealNetworks™, QuickTime™, MP3, and MPEG formats”. It is unclear which formats necessarily need to be hosted by the claimed conversion process in order to meet the claim.



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Claim 31 claims, “generating at least one web page and/or electronic mail message, wherein the at least one web page and/or electronic mail message ...” and “distributing said at least one web page and/or electronic mail message”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 31 states “said request ... optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.

Claim 33 claims a client workstation wherein “link encoded web pages and/or electronic mail messages are displayed”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 47 recites the limitation "the multi-media content" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 50 recites the limitation "the at least one linking server" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 51 states “generating at least one of a web page and an electronic mail message”, which suggests that only one of the web page and the electronic message need to exist in order to meet the claim. However, the claim also states “distributing said at least one web page and electronic message”, which appears to suggest that both the web page and the electronic message must exist in order to meet the claim. Accordingly, it is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 51 states “to satisfy the at least one of information and information services”. It is unclear what is meant by “satisfying” information or information services.



Claim 70 states “generating at least one of a web page and an electronic mail message”, which suggests that only one of the web page and the electronic message need to exist in order to meet the claim. However, the claim also states “wherein the at least one web page and electronic mail message contains ...” and “distributing the at least one web page and electronic mail message ...”, which appears to suggest that both the web page and the electronic message must exist in order to meet the claim. Accordingly, it is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 71 claims, “generating ... at least one web page and/or electronic mail message ... said at least one web page and/or electronic mail message to be distributed ...”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 71 states “said request ... optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.

Claim 72 claims, “generating ... at least one web page and/or electronic mail message ... said at least one web page and/or electronic mail message to be distributed ...”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 72 states “said request ... optionally comprising specification of the multi-media content in at least one of a banner ad, a pre-clip, a post-clip, and a web page embedding”. It is unclear whether the request needs to specify the multi-media content using a banner ad, a pre-clip, a post-clip, or a web page embedding in order to meet the claim.



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Claim 73 claims, “generating ... at least one web page and/or electronic mail message ... said at least one web page and/or electronic mail message to be distributed ...”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 73 states “to satisfy the at least one of information and information services”. It is unclear what is meant by “satisfying” information or information services.

Claim 74 claims, “generating ... at least one web page and/or electronic mail message ... said at least one web page and/or electronic mail message to be distributed ...”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 74 states “to satisfy the at least one of information and information services”. It is unclear what is meant by “satisfying” information or information services.

Claim 75 claims a method for distributing “website specification and/or electronic mail message specification” and “said link is embedded by the user into at least one of the website and/or electronic mail message”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

Claim 76 claims a method for distributing “website specification and/or electronic mail message specification” and “said link is embedded by the user into at least one of the website and/or electronic mail message”. It is unclear whether both encoded web pages and electronic mail messages are required to meet the claim.

The examiner will treat the indefinite claims on the merits as best understood.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:



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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 72, 74, and 76 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.**

Claims 72, 74, and 76 are directed to computer data signals embodied in carrier waves. The claims are non-statutory because they are not limited to tangible embodiments, since a carrier wave is not a tangible embodiment.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 4-11, 13-15, 33-36, 38, 40-43, 45-47, 49, 50, 67, 68, and 71-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Hans (U.S. Publication No. 2002/0120577).**

Regarding claim 1, Hans teaches a system for delivering streaming multi-media content over the Internet (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the Internet wherein link encoded web pages are displayed and said at least one client workstation enabling a user to select a link resulting in the transmission of a request over the Internet for receiving the multi-media content, said link specifying the multi-media content and format associated therewith (paragraph



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[0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

at least one linking server (content manager 11) hosting at least one link conversion process, and receiving the request for the multi-media content from said at least one client workstation, said at least one linking server generating another request to stream the multi-media content to said at least one client workstation, said another request automatically formatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

at least one streaming multi-media server (content provider 16) storing the multi-media content, and responsive to the another request received from said at least one linking server delivering the multi-media content over the Internet to said at least one client workstation (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Regarding claim 2, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and format associated therewith further includes specification of said at least one linking server for pre-processing the request (paragraph [0026]).

Regarding claim 4, Hans teaches the system of claim 1, wherein said request does not expressly specify a communications port of said at least one linking server (paragraph [0026]).

Regarding claim 5, Hans teaches the system of claim 1, wherein said at least one linking server (content manager 11) includes a database for recording each said request (paragraph [0027]).



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Regarding claim 6, Hans teaches the system of claim 1, wherein the linking server (content manager 11) processes said request only if the requesting client pays for the requested multi-media content (paragraph [0029]).

Regarding claim 7, Hans teaches the system of claim 1, wherein the linking server processes said request only if the requesting client is authorized to receive the requested multi-media content (paragraph [0029]).

Regarding claim 8, Hans teaches the system of claim 1, wherein the linking server hosts said conversion process for requests for multi-media content in a plurality of formats including MP3 and MPEG formats (paragraph [0022]).

Regarding claim 9, Hans teaches the system of claim 1, wherein said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 10, Hans teaches the system of claim 1, wherein the multi-media content is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 11, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 13, Hans teaches the system of claim 1, wherein the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 14, Hans teaches the system of claim 1, wherein the at least one linking server (content manager 11) is such that a single server hosts a plurality of said at least one link conversion processes and said single server processes requests for a plurality of media formats corresponding to each said link conversion process (paragraph [0029]).



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Regarding claim 15, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 33, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 34, Hans teaches the system of claim 33, wherein the computer network is the Internet (paragraph [0026]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one information and information services is multi-media content (paragraph [0022]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one information and information services is media content (paragraph [0022]).

Regarding claim 38, Hans teaches the system of claim 33, wherein said link specifying the at least one of information and information services and the format associated therewith further includes specification of said at least one connection processor for pre-processing the request (paragraph [0026]).

Regarding claim 40, Hans teaches the system of claim 33, wherein said request does not expressly specify a communications port (paragraph [0026]).

Regarding claim 41, Hans teaches the system of claim 33, wherein said at least one connection processor includes a database for recording each said request (paragraph [0027]).

Regarding claim 42, Hans teaches the system of claim 33, wherein said at least one connection processor processes said request only if the requesting client pays for the requested at least one of information and information services (paragraph [0029]).

Regarding claim 43, Hans teaches the system of claim 33, wherein said at least one connection processor processes said request only if the requesting client is authorized to receive the requested at least one of information and information services (paragraph [0029]).



Regarding claim 45, Hans teaches the system of claim 33, wherein said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 46, Hans teaches the system of claim 33, wherein the at least one of information and information services is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 47, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 49, Hans teaches the system of claim 33, wherein the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 50, Hans teaches the system of claim 33, wherein the at least one linking server is such that a single server hosts a plurality of said at least one link conversion processes and said single server processes requests for a plurality of media formats corresponding to each said link conversion process (paragraph [0029]).

Regarding claim 67, Hans teaches a system for distributing website specification including at least one web page providing at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

a web server (content manager 11) responsively connected to the computer network, said web server for hosting the website (paragraph [0026]);

a web development workstation (user node 12) for specifying the at least one web page of the website, said web development workstation responsively connected to the computer network (paragraph [0026]);



a computer process hosted on the web development workstation for constructing at least one link specifying a connection processor (paragraph [0026], where the user selects the digital content using a web browser);

another computer process hosted on the web development workstation for embedding the at least one link into the at least one web page (paragraph [0026], the web page must have a link because the user makes selections);

a network interface for sending the at least one web page from the web development workstation to the web server (paragraph [0026]);

a client workstation (user node 12) responsively connected to the computer network wherein the client workstation originates at least one request for the at least one web page and at least one request for at least one of information and information services by specifying a selection, said selection resulting in the transmission of the at least one link over the computer network (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

another computer process hosted on the connection processor, receiving the at least one link and converting said at least one link to an other at least one of information and information services request, said request specifying at least one server (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

a network interface for transmitting the other at least one of information and information services request to the server (figure 3).



Regarding claim 68, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

applying a computer process (the process of receiving the request and contacting the content provider) to a specification of display formats (video formats) for at least one of information and information services (digital content) resulting in the generation of a link comprising the specification of the display options and a reference to the connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats; paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format);

embedding said link into the website (paragraph [0026]);

distributing the link embedded in the website to at least one client workstation (user node 12) (paragraph [0026]);

receiving the link by the connection processor resulting from the request for at least one of information and information services generated by the at least one client workstation (paragraph [0026]); and

applying a computer process hosted on the connection processor (content manager 11) to convert the specification of display formats (video formats) for the connection processor into an other request for at least one server (content provider node 16) to satisfy the request for at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).



Regarding claim 71, Hans teaches in a system for distributing at least one of information and information services over a computer network wherein multi-media content is uploaded to at least one multi-media content server, a method (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a request for the multi-media content including at least one link specifying at least one linking server inserted in at least one web page, responsive to a user request, said at least one web page to be distributed to at least one client workstation over the Internet (paragraph [0026] where the user selects the digital content using a web browser);

receiving by the at least one linking server the request from the at least one client workstation for the multi-media content via the at least one link (paragraph [0026]); and

generating another request by the at least one linking server to stream the multi-media content to said at least one client workstation, said another request automatically formatted to be in conformity at least with the format of the multi-media content (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Regarding claim 72, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 73, Hans teaches in a system for distributing at least one of information and information services over a computer network wherein multi-media content is uploaded to at least one content server, a method (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a web page, wherein the web page, responsive to a user request, contains at least one link specifying a connection processor (content manager 11), said web page to be distributed to



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at least one client workstation over the computer network (paragraph [0026] where the user selects the digital content using a web browser);

receiving by the connection processor (content manager 11) over the computer network a request for at least one of information and information services, wherein the connection processor receives the request for the at least one of information and information services (paragraph [0026] where the user selects the digital content using a web browser),

identifying by the connection processor (content manager 11) the at least one of information and information services requested and generating other request to satisfy the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated other requests over the computer network to at least one of information and information services server (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Regarding claim 74, the claim is rejected for substantially the same reasons as claim 73.

Regarding claim 75, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 76, the claim is rejected for substantially the same reasons as claim 71.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the



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subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 17, 18, 20-31, 51-54, and 57-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985).**

Regarding claim 17, Hans teaches a method for processing requests for multi-media content by at least one client workstation over the Internet (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating at least one web page, wherein the web page includes a request for the multi-media content (digital content) including at least one link specifying at least one linking server (content manager 11), responsive to a user request (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

distributing said at least one web page to the at least one client workstation (user node 12) over the Internet (paragraph [0026]);

receiving by the at least one linking server (content manager 11) the request from the at least one client workstation (user node 12) for the multi-media content (digital content) via the at least one link (paragraph [0026] where the user selects the digital content using a web browser); and

generating another request by the at least one linking server (content manager 11) to stream the multi-media content to said at least one client workstation (user node 12), said another request automatically formatted to be in conformity at least with the format of the multi-media content (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).



Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Regarding claim 18, Hans further teaches that said link specifying the media content and the format associated therewith further includes a specification of said at least one linking server for preprocessing the request (paragraph [0026]).

Regarding claim 20, Hans further teaches that said request does not expressly specify a communications port of said at least one linking server (paragraph [0026]).

Regarding claim 21, Hans further teaches that said at least one linking server (content manager 11) includes a database for recording each said request (paragraph [0027]).

Regarding claim 22, Hans further teaches that the linking server processes said request only if the requesting client pays for the requested media content (paragraph [0029]).

Regarding claim 23, Hans further teaches that the linking server processes said request only if the requesting client is authorized to receive the requested content (paragraph [0029]).

Regarding claim 24, Hans further teaches that the linking server hosts said conversion process for requests for media content in MP3 and MPEG formats (paragraph [0022]).

Regarding claim 25, Hans further teaches that said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).



Regarding claim 26, Hans further teaches that the media content is a MPEG or MP3 multi-media clip (paragraph [0022]).

Regarding claim 27, Hans further teaches that said link specifying the media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 28, Hans does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as enabling web pages to be dynamically generated for each user. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 29, Hans further teaches that the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 30, Hans further teaches that the at least one linking server is such that a single server hosts a plurality of said at least one link conversion process and said single server processes requests for a plurality of media formats corresponding to each link conversion process (paragraph [0029]).

Regarding claim 31, the claim is rejected for substantially the same reasons as claim 17.

Regarding claim 51, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:



generating a web page, wherein the web page contains at least one link specifying a connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser);

distributing the web page to at least one client workstation (user node 12) over the computer network (paragraph [0026]);

receiving over a computer network a request for at least one of information and information services (digital content), wherein the connection processor (content manager 11) receives the request for the at least one of information and information services (paragraph [0026] where the user selects the digital content using a web browser);

identifying the at least one of information and information services requested (paragraph [0029]);

generating other requests to satisfy the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one of information and information services server (content provider 16) (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document).



FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Regarding claim 52, Hans further teaches that the computer network is the Internet (paragraph [0026]).

Regarding claim 53, Hans further teaches that the at least one information and information services is streaming multi-media content (paragraph [0027]).

Regarding claim 54, Hans further teaches that the at least one information and information services is media content (paragraph [0027]).

Regarding claim 57, Hans further teaches that said request for at least one of information and information services does not expressly specify a communications port of said connection processor (paragraph [0026]).

Regarding claim 58, Hans further teaches that said connection processor includes a database for recording each request (paragraph [0027]).

Regarding claim 59, Hans further teaches that said connection processor processes said request for at least one of information and information services only if the requesting client pays for the requested at least one of information and information services (paragraph [0029]).

Regarding claim 60, Hans further teaches that the connection processor processes said request for at least one of information and information services only if the requesting client is authorized to receive the requested at least one of information and information services (paragraph [0029]).

Regarding claim 61, Hans teaches that the connection processor (content manager 11) hosts the conversion process for requests for at least one of information and information services in a



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plurality of formats including MP3 and MPEG formats (paragraph [0022]). Hans does not expressly state that the information and information services can be in Windows Media™, RealNetworks™, or QuickTime™ formats. However, these formats were well known to one of ordinary skill in the art and would have been obvious to use in the instant case, thereby controlling the distribution of these media types as well.

Regarding claim 62, Hans further teaches that said web pages are hosted on a web server which only processes requests for web pages (paragraph [0026]).

Regarding claim 63, Hans further teaches that the at least one of information and information services an MPEG or MP3 clip (paragraph [0022]).

Regarding claim 64, Hans further teaches that the connection processor generates other requests for at least one of information and information services in a plurality of distinct formats (paragraph [0022]).

Regarding claim 65, Hans does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as enabling web pages to be dynamically generated for each user. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 66, Hans further teaches that the connection processor hosts a plurality of processes for generating other requests in a plurality of distinct formats (paragraph [0026]).



**Claims 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of Kenner (U.S. Patent No. 6,421,726).**

Regarding claim 69, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the computer network wherein a link encoded web page is displayed and said at least one client workstation enabling a user to select a link resulting in the transmission of a request over the computer network for receiving the at least one of information and information services (paragraph [0026] where the user selects the digital content using a web browser);

at least one connection processor (content manager 11) responsively interfaced to the computer network and hosting at least one connection conversion process, said at least one connection processor receiving the request from at least one client workstation for the at least one of information and information services and applying the at least one connection conversion process to generate at least one other request for the at least one of information and information services and transmit the at least one other request over the computer network (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

at least one server (content provider 16) responsively interfaced to the computer network and hosting the at least one of information and information services, said at least one server receiving the at least one other request to deliver at least one of information and information services over the computer network to said at least one requesting client workstation (paragraph



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[0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Hans does not expressly disclose that the at least one other request is *responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services*. Hans is silent regarding the particular details of how the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve multimedia files (or other types of files) responsive to changes in network demand for the files, as evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection scheme provides advantages such as reducing overall network congestion (column 6, line 14). Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the instant case as well.

**Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985) and Kenner (U.S. Patent No. 6,421,726).**

Regarding claim 70, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a web page, wherein the web page, responsive to a user request, contains at least one link specifying a connection processor (content manager 11), and encoding at least one of information and information services display (paragraph [0026] where the user selects the digital



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content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

distributing the at least one web page over the computer network (paragraph [0026]);

receiving, over a computer network, a request for at least one of information and information services, wherein said receiving the request for the at least one of information and information services is performed by a connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser);

generating at least one of another request for the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one server (content provider 16) (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.



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Hans does not expressly disclose that the at least one other request is *responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services or uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve multimedia files (or other types of files) responsive to changes in network demand for the files, as evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection scheme provides advantages such as reducing overall network congestion (column 6, line 14). Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the instant case as well.

**Claims 3 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of Stewart (U.S. Publication No. 2002/0087707).**

Regarding claim 3, Hans teaches the system of claim 1, and that the users can select the digital content by connecting to a web site hosted by the content manager in a conventional manner (paragraph [0026]). The conventional manner of specifying return links is to not expressly specify ports. Nonetheless, it was well known in the art to expressly use a non-default port, as evidenced by Stewart. In a similar art, Stewart teaches a web site that connects clients to a non-default port (paragraph [0049]). Given the teachings of Stewart, it would have been obvious to one of ordinary skill in the art to do so in the instant case for any of the advantages that Stewart discloses such as conveniently providing a different look and feel, etc. (paragraph [0049]).



Regarding claim 39, the claim is rejected using the same rationale as claim 3.

**Claims 19 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985), and further in view of Stewart (U.S. Publication No. 2002/0087707).**

Regarding claim 19, Hans and RFC 959 teach the method as applied to claim 17 above. Hans further teaches that the users can select the digital content by connecting to a web site hosted by the content manager in a conventional manner (paragraph [0026]). The conventional manner of specifying return links is to not expressly specify ports. Nonetheless, it was well known in the art to expressly use a non-default port, as evidenced by Stewart. In a similar art, Stewart teaches a web site that connects clients to a non-default port (paragraph [0049]). Given the teachings of Stewart, it would have been obvious to one of ordinary skill in the art to do so in the instant case for any of the advantages that Stewart discloses such as conveniently providing a different look and feel, etc. (paragraph [0049]).

Regarding claim 56, Hans and RFC 959 teach the method as applied to claim 51 above. The claim is rejected using the same rationale as claim 19.

**Claims 12, 44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577).**

Regarding claim 12, Hans teaches the system of claim 1, but does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was



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common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as enabling web pages to be dynamically generated for each user. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 44, Hans teaches the system of claim 33, wherein the connection processor (content manager 11) hosts the conversion process for requests for at least one of information and information services in a plurality of formats including MP3 and MPEG formats (paragraph [0022]). Hans does not expressly state that the information and information services can be in Windows Media™, RealNetworks™, or QuickTime™ formats. However, these formats were well known to one of ordinary skill in the art and would have been obvious to use in the instant case, thereby controlling the distribution of these media types as well.

Regarding claim 48, the claim is rejected using the same rationale as claim 12.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kocherlakota (U.S. Publication No. 2004/0236844) teaches:

client workstations (clients 11, 13, 15, and 16) that requests multi-media files and specify a requested format (paragraph [0010]);

a request server (request server 19) hosting a link conversion process that communicates other requests formatted in conformity with the format of the multi-media content to a scheduler for receiving the multi-media files (paragraph [0025]); and



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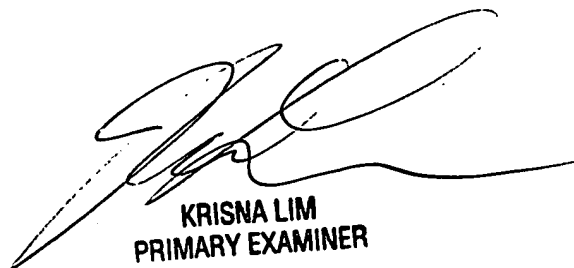
streaming multi-media servers (signal sources 31-37) storing the multi-media content, and responsive to the another request received from the request server delivering the multi-media content over the Internet to the client workstations (figure 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PS



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**PRIMARY EXAMINER**